

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 331

Introduced by McDonald, 41; Aguilar, 35; Combs, 32; Flood, 19;
Jensen, 20; Price, 26; Stuthman, 22

Read first time January 11, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health care; to amend sections 71-2422,
2 71-2423, 71-2425, 71-2426, 71-2427, and 71-2429, Reissue
3 Revised Statutes of Nebraska; to establish a registry for
4 the cancer drug repository program; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2422, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-2422. Sections 71-2422 to 71-2429 and section 7 of
4 this act shall be known and may be cited as the Cancer Drug
5 Repository Program Act.

6 Sec. 2. Section 71-2423, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-2423. For purposes of the Cancer Drug Repository
9 Program Act:

10 (1) Cancer drug means a prescription drug used to treat

11 (a) cancer or its side effects or (b) the side effects of a
12 prescription drug used to treat cancer or its side effects;

13 (2) Department means the Department of Health and Human
14 Services Regulation and Licensure;

15 (3) Health care facility has the definition found in
16 section 71-413;

17 (4) Health clinic has the definition found in section
18 71-416;

19 (5) Hospital has the definition found in section 71-419;

20 (6) Participant means a physician's office, pharmacy,
21 hospital, or health clinic that has elected to voluntarily
22 participate in the program and that accepts donated cancer drugs
23 under the rules and regulations adopted and promulgated by the
24 department for the program;

25 ~~(6)~~ (7) Pharmacy has the definition found in section
26 71-425;

27 ~~(7)~~ (8) Physician's office means the office of a person
28 licensed to practice medicine and surgery or osteopathic medicine

1 and surgery;

2 ~~(8)~~ (9) Prescribing practitioner means a health care
3 practitioner licensed under the Uniform Licensing Law who is
4 authorized to prescribe cancer drugs; and

5 ~~(9)~~ (10) Prescription drug has the definition found in
6 section 71-1,142; and

7 (11) Program means the cancer drug repository program
8 established pursuant to section 71-2424.

9 Sec. 3. Section 71-2425, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-2425. Any person or entity, including, but not
12 limited to, a cancer drug manufacturer or health care facility, may
13 donate cancer drugs to the ~~cancer drug repository~~ program. Cancer
14 drugs may be donated ~~at a physician's office, pharmacy, hospital,~~
15 ~~or health clinic that elects to participate in the program and~~
16 ~~meets criteria established by the department for such participation~~
17 to a participant.

18 Sec. 4. Section 71-2426, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-2426. (1) A cancer drug shall only be accepted or
21 dispensed under the ~~cancer drug repository~~ program if such drug is
22 in its original, unopened, sealed, and tamper-evident unit dose
23 packaging, except that a cancer drug packaged in single unit doses
24 may be accepted and dispensed if the outside packaging is opened
25 but the single-unit-dose packaging is unopened.

26 (2) A cancer drug shall not be accepted or dispensed
27 under the ~~cancer drug repository~~ program if (a) such drug bears an
28 expiration date that is earlier than six months after the date the

1 drug was donated or (b) such drug is adulterated or misbranded as
2 described in section 71-2401 or 71-2402.

3 (3) Subject to limitations provided in this section,
4 unused cancer drugs dispensed under the medical assistance program
5 established in section 68-1018 may be accepted and dispensed under
6 the ~~cancer drug repository~~ program.

7 Sec. 5. Section 71-2427, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-2427. (1) A ~~physician's office, pharmacy, hospital,~~
10 ~~or health clinic that accepts donated cancer drugs under the cancer~~
11 ~~drug repository program participant~~ shall comply with all
12 applicable provisions of state and federal law relating to the
13 storage, distribution, and dispensing of ~~such~~ donated cancer drugs
14 and shall inspect all such drugs prior to dispensing to determine
15 if they are adulterated or misbranded as described in section
16 71-2401 or 71-2402. Such drugs shall only be dispensed pursuant to
17 a prescription issued by a prescribing practitioner. Such drugs
18 may be distributed to another ~~participating physician's office,~~
19 ~~pharmacy, hospital, or health clinic participant~~ for dispensing.

20 (2) A ~~physician's office, pharmacy, hospital, or health~~
21 ~~clinic participant~~ may charge a handling fee for distributing or
22 dispensing cancer drugs under the ~~cancer drug repository~~ program.
23 Such fee shall be established in rules and regulations adopted and
24 promulgated by the department. Cancer drugs donated under the
25 program shall not be resold.

26 Sec. 6. Section 71-2429, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 71-2429. The department, upon the recommendation of the

1 Board of Pharmacy, shall adopt and promulgate rules and regulations
2 to carry out the Cancer Drug Repository Program Act. ~~Initial rules~~
3 ~~and regulations under the act shall be adopted and promulgated no~~
4 ~~later than ninety days after September 15, 2003.~~ Such rules and
5 regulations shall include, but not be limited to:

6 (1) Eligibility criteria and other standards and
7 procedures for ~~physician's offices, pharmacies, hospitals, and~~
8 health clinics participants that accept and distribute or dispense
9 donated cancer drugs;

10 (2) Necessary forms for administration of the ~~cancer drug~~
11 ~~repository~~ program, including, but not limited to, forms for use by
12 persons or entities that donate, accept, distribute, or dispense
13 cancer drugs under the program;

14 (3) The maximum handling fee that may be charged by
15 ~~physician's offices, pharmacies, hospitals, or health clinics~~
16 participants that accept and distribute or dispense donated cancer
17 drugs; ~~and~~

18 (4) (a) Categories of cancer drugs that the ~~cancer drug~~
19 ~~repository~~ program will accept for dispensing and (b) categories of
20 cancer drugs that the program will not accept for dispensing and
21 the reason that such drugs will not be accepted; and

22 (5) Maintenance and distribution of the participant
23 registry established in section 7 of this act.

24 Sec. 7. The department shall establish and maintain a
25 participant registry for the program. The participant registry
26 shall include the participant's name, address, and telephone number
27 and shall identify whether the participant is a physician's office,
28 a pharmacy, a hospital, or a health clinic. The department shall

1 make the participant registry available to any person or entity
2 wishing to donate cancer drugs to the program.

3 Sec. 8. Original sections 71-2422, 71-2423, 71-2425,
4 71-2426, 71-2427, and 71-2429, Reissue Revised Statutes of
5 Nebraska, are repealed.